
COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION 2nd REFERRAL

DATE: July 8, 2009
TO: Michael Elabager, Project Manager, Department of Planning
FROM: Michelle Lohr, Planner, Zoning Administration *mmz*
CASE NUMBER & NAME: SPEX 2009-0001 Animal Shelter
TAX MAP/PARCEL NUMBER (PIN): /37////////101B/ (344-45-5673)

Zoning Administration has reviewed the second submittal of the above-referenced **Special Exception (SPEX)** application consisting of (1) Memorandum from Michael Elabager dated June 23, 2009, (2) Applicant Responses to Referral Comments dated June 18, 2009, (3) Statement of Justification revised May 16, 2009, and (4) Special Exception Plat dated 3/25/09, revised 6/18/09. Staff has the following comments regarding the Special Exception Plat:

1. **Cover Sheet. Note 14.** State that the proposed structure is approximately 1,500 sq. ft. for consistency with Sheet 2.
2. **Cover Sheet.** Include note that the use will meet the noise ordinance standards of the Zoning Ordinance.
3. **Sheet 2.** Label the approximate number of parking spaces to be provided in the parking area just inside the property line. Conformance with the minimum parking requirements will be verified at site plan.
4. **Sheet 2.** Amend the label of the proposed structure as approximately 1,500 sq. ft. to be consistent with the table under Maximum Lot Coverage.
5. **Sheet 2.** Include a key for the shading/hatching of structures on the plan or remove if not necessary.
6. **Sheet 2.** It is recommended that additional buffering be located to the east of the new structure to effectively screen it from Hamilton Station Road.

The comments included in this referral should be addressed prior to action by the Planning Commission and Board of Supervisors.

Copy: Marilee L. Seigfried, Deputy Zoning Administrator

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: April 30, 2009
TO: Michael Elabarger, Project Manager
Department of Planning
FROM: Michelle M. Lohr, Planner *mmL*
**CASE NUMBER
& NAME:** SPEX 2009-0001 Animal Shelter
TAX MAP/PARCEL /37////////101B/
MCPI: 344-45-5673



I. APPLICATION SUMMARY

This referral is in response to the request for comments dated March 31, 2009 regarding a special exception application for an expansion to the Loudoun County Animal Shelter and change in operational hours. The subject property is zoned AR-1 Agricultural Rural 1 and is administered under the Revised 1993 Loudoun County Zoning Ordinance. In accordance with Table 2-102 of the Zoning Ordinance, a "Structures or uses for local government purposes not otherwise listed in the district" is a special exception use in the AR-1 zoning district.

The following documents, submitted with the March 31, 2009 Memorandum from Project Manager Michael Elabarger were reviewed: Information Package, Statement of Justification dated March 23, 2009 and Special Exception Plat dated 3/26/09 consisting of 5 sheets.

The property consists of 13.26 acres and is zoned AR-1 (Agricultural Rural-1) and contains areas of Moderately and Very Steep Slopes. The property is currently used as an Animal Shelter.

II. BACKGROUND

The animal shelter, originally owned by the Humane Society of the United States, received Use Permit approval December 3, 1963. Additions were approved with a special exception on July 21, 1999 for additions to the facility [SPEX 1999-0009]. The conditions associated with that approval permitted a Phase 1 expansion and established hours of operation for Monday through Saturday, excluding Sunday. The Applicant is requesting approval for the addition of a 24' x 60' building (approximately 1,440 square feet) to serve as an Animal Behavior and Staff Training Center. Further, the Applicant requests a modification to the Shelter hours to permit it to be open six days per week, including Sundays. Conformance with special exception conditions and Zoning Ordinance requirements will be verified at time of site plan approval and building/zoning permit approval.

III. SECTION 6-1310 ISSUES FOR CONSIDERATION

1. (A) *Whether the proposed special exception is consistent with the Comprehensive Plan. Zoning defers to Community Planning in the Department of Planning regarding this issue.*
2. (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. Zoning defers to Fire and Rescue regarding this issue.*

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3. (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.* The noise standards of Section 5-1507 apply to this use.
4. (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.* The lighting standards of Section 5-1504 apply to the proposed use.
5. (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.* The landscaping requirements of Sections 5-1400 apply to the proposed use and will be reviewed in detail during site plan review. It is recommended that additional screening be planted to the east of the proposed structure to screen it from Hamilton Station Road.
6. (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.* Zoning defers to the Office of Transportation Services regarding this issue.

III. OTHER ISSUES

11. **Section 5-1100. Parking.** The application materials submitted with previously approved SPEX 1999-0009 state that there are 32 visitor spaces and 19 employee spaces. As depicted on the plat for this application (SPEX 2009-0001), 19 visitor and 11 employee spaces are shown. Please clarify the difference between the previous and current special exception applications. Is the area just inside the property line from the access road a parking area? If so, please label as such and note that the parking area cannot protrude into the required buffer area.
12. **Parking.** Provide a parking calculation to determine if sufficient parking is provided. 4 spaces/1,000 square feet are required for the office portion of the use with the remainder of the uses to be determined by the zoning administrator.
13. **Section 5-1504 Light and Glare Standards.** The light and glare standards of Section 5-1504(A) apply.
14. **Section 5-1507 Noise Standards.** The noise standards of Section 5-1507 apply. As animals will be trained within the proposed building, are any sound attenuating elements to be used in the construction of the structure?
15. **Section 5-1508. Steep Slopes.** Although steep slopes are located on the property, it appears as though the proposed addition will not impact the steep slopes. In accordance with Section 5-1508(F), a grading permit and locational clearance will be required at the time of site plan review.
16. **Section 6-701. Site Plan.** Please be advised that, in addition to special exception approval, a site plan is required prior to construction.

IV. PLAT COMMENTS

17. *Cover Sheet. Note 1. 2nd Line.* Insert "Loudoun County" after "Revised".
18. *Cover Sheet. Note 5. Second Line.* Insert "Very" in front of "Steep (over 25%)".
19. *Cover Sheet. Note 14.* It is recommended that this note be deleted in order to allow the Applicant flexibility to employ more than 30 staff members at the site in the future.
20. *Sheet 2.* It appears as though the addition to the building furthest to the south that was approved in accordance with STPL 1999-0065 is not depicted as such on the Special Exception Plat. Please include an accurate depiction of the existing structure on Sheet 2

A-03

21. *Sheet 2.* Include all existing structures on the plan. A zoning permit [#Z280088220001] was issued 1/25/08 for 5 new run in sheds totaling 3,925 square feet, which do not appear to be depicted on the special exception plat.
22. *Sheet 2. Zoning Requirements. 1st line.* Insert "Loudoun County" after "Revised 1993".
23. *Sheet 2. Zoning Requirements. (2)* After "Option" delete remainder of sentence and insert "." Insert 'In accordance with Table 2-102, the use is permitted by Special Exception as "Structures or uses for local government purposes not otherwise listed in the district.'
24. *Sheet 2. Zoning Requirements. Maximum Lot Coverage table.* Revise to include all run-in sheds. The zoning permit issued 1/25/08 [#Z80088220001] was for 3,925 sq. ft., the zoning permit issued 1/9/02 was for 'a 10' x 10' shed and 10' x 20' run in shed]. Further it appears as though there were 2 approximate 24' x 24' sheds in existence at the time of the SPEX 1999-0009 approval. All of these structures must be included in the tabulation.
25. Check the size of the building proposed. The Statement of Justification and plat indicate that the addition will be approximately 1,400 sq. ft. whereas the plat indicates a 24' x 60' building (totaling 1,440 sq. ft.). Please note that conformance with the special exception plat will be a condition of the special exception. It is recommended that the table include a slightly larger total building size, such as 1,500 sq. ft., rather than a smaller figure.
26. Include a statement regarding the number of stories of the existing building and proposed addition.
27. Include a key for the shading/hashing of structures on the plan or remove if not necessary.
28. Provide parking tabulations. Note 14 on the cover sheet states that there are 30 employees at the shelter, however only 11 parking spaces have been designated as employee parking. Further, in the staff report associated with SPEX 1999-0009 it states that there are 30 spaces designed for the public and 11 spaces designated for employees. There are only 19 spaces designated on the SPEX plat for the public. How many spaces are proposed?
29. It is recommended that additional buffering be located to the east of the new structure to effectively screen it from Hamilton Station Road.
30. What is the use of the large open area, just inside the property line off of the access road? If this is to be used for parking, please identify as such.

V. RECOMMENDATION

The comments included in this referral should be addressed prior to action by the Planning Commission and Board of Supervisors.

Copy: Marilee L. Seigfried, Deputy Zoning Administrator

A-04

From: Patrick Giglio
To: Elabarger, Mike
CC: Keegan, Cynthia
Date: 7/6/2009 10:32 AM
Subject: SPEX 2009-0001 LC Animal Care and Control

Mike,

Staff has reviewed the most recent submittals dated March 23, 2009, revised May 16, 2009 for SPEX 2009-0001, Loudoun County Animal Care and Control for the expansion of the existing facility and the provision of Sunday hours of operation. Staff finds that the submitted materials adequately address and clarify those issues raised in the first referral. Community Planning staff recommends approval of the Special Exception application with conditions.

Pat Giglio, Planner
Loudoun County Department of Planning

A-05

County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 30, 2009

TO: Mike Elabarger, Project Manager, Land Use Review

FROM: Pat Giglio, Planner, Community Planning

SUBJECT: SPEX 2009-0001, Loudoun County Animal Care & Control

BACKGROUND

The applicant, Loudoun County Department of Animal Care and Control, is requesting a Special Exception to construct a free-standing 1,400 s.f. Animal Behavior/Enrichment and Staff Training Center building and alter the hours of operation to include Sundays at the existing Animal Shelter. The 13.26 acre subject site is located in the northwest quadrant of the intersection of Charles Town Pike (Route 9) and Hamilton Station Road (Route 704), near Waterford. The shelter has been in operation on the subject site since the 1960s and has been gradually expanded over the years to meet the needs of the County. The shelter is located near the center of the property and is surrounded by existing mature white pines which screen views of the use from adjoining rural residential properties. The subject site is zoned AR-1 (Agriculture Rural-1) and governed under the provisions of the Revised 1993 Zoning Ordinance. A review of County GIS records did not identify any environmental features on the site that would be affected by the proposed construction of the free-standing building.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, *Rural Residential Policies*, Policy 3). The Rural Land Use and Design policies and Rural Economy policies of the Revised General Plan where used to evaluate the application.

ANALYSIS:

A. LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Revised General Plan support the establishment of uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote

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opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan identifies a variety of traditional and non-traditional agricultural enterprises, which include crop and cattle production, the equine industry, vineyards and wineries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses, hospitality services (bed and breakfast enterprises, country inns, rural retreats and resorts), private camps and parks, rural corporate retreats, etc. which are appropriate in the Rural Policy Area (Revised General Plan, Chapter 7, The Rural Economy, text and Land Use Pattern and Design Strategy Policies 5 & 6). The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).

The applicant proposes to expand the existing Animal Shelter use on the subject site by constructing a new free-standing 1,400 s.f. building to the rear of the existing shelter and providing Sunday hours of operation at the facility. While the Animal Shelter is not a traditional rural business use as defined by the Revised General Plan, the shelter has been in operation since the 1960s on the subject site and is considered an appropriate and compatible existing land use within the agricultural and rural residential context of the surrounding area.

Staff finds that the expanded Animal Shelter uses on the subject site is consistent with the land use and rural policies of the Revised General Plan.

B. COMPATIBILITY

Plan policies support the development of rural businesses that are compatible in scale, use and intensity with the rural environment. Plan policies state that rural business uses should meet "established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare" (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policy 6).

Landscaping and Buffering

The perimeter of the subject site is surrounded by existing mature white pines which buffer views of the Animal Shelter from adjoining residences. The proposed free-standing 1,400 s.f. building is located to the rear of the existing shelter and will utilize the existing vegetation along the perimeter of the property to buffer and screen views of the proposed building. The applicant should commit to the long-term maintenance and care of the existing vegetated buffers on the subject property to ensure the facility is adequately screened.

Staff finds that the proposed free-standing building on the subject site will be adequately buffered and screened from adjoining properties by the existing vegetation. Staff recommends that the applicant commit to the long-term maintenance and care of the existing landscape buffers.

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Lighting

The Plan promotes sound night-lighting standards that will “reduce light pollution such as glare, energy waste, light trespass, and the deterioration of the natural nighttime environment” (Revised General Plan, Chapter 5, Lighting and Night Sky Policy 1). The applicant has committed to lighting which is shielded and conforms to all applicable regulations.

Staff recommends that applicant commit to providing site lighting which is the minimum intensity of lighting necessary for the operation of the proposed animal shelter. The proposed site lighting should be shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky.

Traffic

The subject site is accessed by a paved driveway near the intersection of Charles Town Pike (Route 9) and Hamilton Station Road (Route 704). The applicant is proposing improvements to the existing entrance to address transportation safety issues. The construction of the proposed free-standing building will not add new employees or services that will impact traffic. However, the proposed inclusion of Sunday hours of operation will increase the daily non-peak vehicular trips to the site, but based on the submitted traffic data there appears to be a minimal impact on levels of service. Additionally, it appears that adequate provisions have been provided to accommodate safe access to the site utilizing the existing road network.

The proposed expansion of the Animal Shelter and the inclusion of Sunday hours of operation appear to have a minimal impact on traffic. Staff defers to the Office of Transportation Services for further review and comment on the application.

RECOMMENDATION

Staff finds the proposed expansion of the Animal Shelter use on the subject site is consistent with the land use and the rural policies of the Revised General Plan. Staff supports the request for Special Exception (SPEX) to construct a free-standing 1,400 s.f. Animal Behavior/Enrichment and Staff Training Center building and provide Sundays hours of operation at the existing Animal Shelter. Staff recommends approval of the application with conditions.

Staff recommends the applicant commit to the following:

- Provide for the long-term maintenance and care of the existing landscape buffers; and
- Provision of site lighting which is the minimum intensity of lighting necessary for the operation of the shelter.

Staff would be happy to meet with the applicant to further discuss issues raised above.

cc: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

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County of Loudoun

Office of Transportation Services – MSC # 69

MEMORANDUM



DATE: July 1, 2009

TO: Michael Elabarger, Project Manager, Department of Planning

FROM: Norah M. Ocel, E.I.T., Transportation Engineer, OTS

SUBJECT: **SPEX 2009-0001, Loudoun County Animal Care & Control**
2nd Submission

Location: The property is located at the northwest quadrant of the Hamilton Station Road (Route 704) and Charles Town Pike (Route 9) intersection, approximately 2.1 miles northwest of Route 7.

Background

The applicant, Thomas J. Koenig for the Loudoun Animal Shelter, is requesting approval of a special exception to permit the addition of a facility to be used as an animal behavior/enrichment and staff training center and to permit the animal shelter to open on Sunday in the AR-1 zoning district. The applicant has submitted a plat, dated 3/25/09, prepared by Paciulli Simmons & Associates and a statement of justification, dated March 23, 2009.

The surrounding land uses are: to the North: Farm/Residential/Suburban Single Family (AR-1), to the South: Residential/Suburban Single Family (AR-1), to the East: Residential/Suburban Single Family (AR-1) and to the West: Residential/Suburban Single Family (AR-1).

Existing, Planned and Programmed Roads

The facility has access on the northwest side of the Hamilton Station/Charles Town Pike intersection. It is currently served by a paved driveway with a private access easement. No modification or improvements are proposed to the entrance or driveway with this application. According to the letter of justification, the current average daily vehicle trips, as per traffic counts taken on April 22-24, 2008, is approximately 119 vehicles.

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The additional traffic generated as a result of opening on Sundays will be offset by the shelter closing on a weekday.

Currently, Hamilton Station Road is a two-lane road in a 38-foot right-of-way. Charles Town Pike is a two-lane roadway within a 32-foot right-of-way.

According to the Countywide Transportation Plan (CTP page A1-58), Hamilton Station Road is planned to stay as a two-lane local access paved rural collector with 10- to 11-foot travel lanes, 2- to 4-foot shoulders and a grade separated interchange at Route 7. Charles Town Pike (CTP A1-52) is planned to stay as a two-lane local access paved rural arterial with 12-foot travel lanes and a grade separated interchange at Route 7. Left-turn and right-turn lanes are required at major intersections.

Transportation Comments

General

Comment # 1. According to the applicant, the occasional training and animal handling demonstrations/instructions will result in limited increase in shelter traffic that will be spread out through out the year. Please provide a rough estimate of the number of events and the turn out visitors in the letter of justification for our files.

Response: The Department plans to use this facility for weekly staff meetings and daily behavioral assessments that will not increase the number of visitors to the facility. Individual dog training/counseling for visitors and/or adopters will continue, but again will not increase the number of visitors coming into the facility. Staff/Volunteer training opportunities and/or dog behavioral classes may occur 10-15 times per year. Staff/volunteer training opportunities may include up to 20 individuals. Dog behavioral classes may average between 5-10 participants per class.

Status: Comment # 1 is resolved.

Comment # 2. The property has frontage with Hamilton Station Road. Please refrain from constructing any structure within 25-30 feet from the centerline of Hamilton Station Road to the property line since according to the CTP, bicycle & pedestrian facilities should be considered for construction along this road in the future.

Response: The Department commits to refrain from constructing any structure within 25-30 feet from the centerline of Hamilton Station Road to the property line. Current plans for facility proposed SPEX 2009-0001 is consistent with the Department's commitment.

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Status: Comment # 2 is resolved.

Conclusion

The Office of Transportation Services (OTS) has no objection to the approval of this application.

CC. Andrew Beacher, Assistant Director, OTS
George Phillips, Senior Transportation Planner, OTS
Charles Acker, Transportation Operation Engineer, OTS

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County of Loudoun

Office of Transportation Services – MSC # 69

MEMORANDUM

DATE: May 4, 2009

TO: Michael Elabarger, Project Manager, Department of Planning

FROM: Norah M. Ocel, E.I.T., Transportation Engineer, OTS 

SUBJECT: **SPEX 2009-0001, Loudoun County Animal Care & Control**
1st Submission

Location: The property is located approximately 600 feet north of Hamilton Station Road (Route 704) and Charles Town Pike (Route 9) intersection on the northwest quadrant and approximately 2.1 miles northwest of Route 7.

Background

The applicant, Thomas J. Koenig for the Loudoun Animal Shelter, is requesting approval of a special exception to permit the addition of a facility to be used as an animal behavior/enrichment and staff training center and to permit the animal shelter to open on Sunday in the AR-1 zoning district. The applicant has submitted a plat, dated 3/25/09, prepared by Paciulli Simmons & Associates and a statement of justification, dated March 23, 2009.

The surrounding land uses are: to the North: Farm/Residential/Suburban Single Family (AR-1), to the South: Residential/Suburban Single Family (AR-1), to the East: Residential/Suburban Single Family (AR-1) and to the West: Residential/Suburban Single Family (AR-1).

Existing, Planned and Programmed Roads

The facility has access on the north side of the Hamilton Station/Charles Town Pike intersection. It is currently served by a paved driveway with a private access easement. No modification or improvements are proposed to the entrance or driveway with this application. According to the letter of justification, the current average daily vehicle trips, as per traffic counts taken on April 22-24, 2008, is approximately 119 vehicles. The additional traffic generated as a result of opening on Sundays will be offset by the shelter closing on a weekday.

Currently, Hamilton Station Road is a two-lane road in a 38-foot right-of-way. Charles Town Pike is a two-lane roadway within a 32-foot right-of-way.

According to the Countywide Transportation Plan (CTP page A1-58), Hamilton Station Road is planned to stay as a two-lane local access paved rural collector with 10- to 11-foot travel lanes, 2- to 4-foot shoulders and a grade separated interchange at Route 7. Charles Town Pike (CTP A1-52) is planned to stay as a two-lane local access paved rural arterial with 12-foot travel lanes and a grade separated interchange at Route 7. Left-turn and right-turn lanes are required at major intersections.

Transportation Comments

General

1. According to the applicant, the occasional training and animal handling demonstrations/instructions will result in limited increase in shelter traffic that will be spread out through out the year. Please provide a rough estimate of the number of events and the turn out visitors in the letter of justification for our files.
2. The property has frontage with Hamilton Station Road. Please refrain from constructing any structure within 25-30 feet from the centerline of Hamilton Station Road to the property line since according to the CTP, bicycle & pedestrian facilities should be considered for construction along this road in the future.

Conclusion

The Office of Transportation Services (OTS) will make a recommendation once the applicant addresses our comments.

CC. Andrew Beacher, Assistant Director, OTS
George Phillips, Senior Transportation Planner, OTS
Charles Acker, Transportation Operation Engineer, OTS

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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359

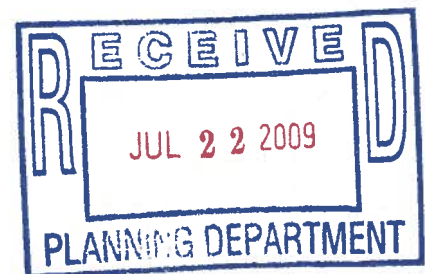


Memorandum

To: Mike Elabarger, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: July 21, 2009
Subject: Loudoun County Animal Care & Control
SPEX 2009-0001, Second Referral

Thank you for the opportunity to review the applicant's response to referral comments dated May 8, 2009. The Fire and Rescue Planning Staff has no further comments regarding the above captioned application.

If you have any questions or need additional information, please contact me at 703-777-0333.



c: Project file



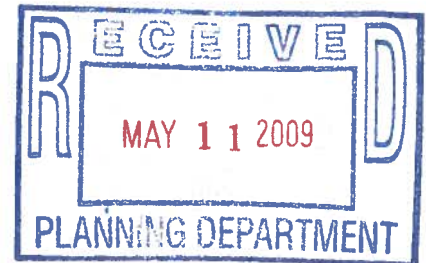
Loudoun County, Virginia
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Mike Elabarger, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: May 8, 2009
Subject: Loudoun County Animal Care & Control
SPEX 2009-0001



Thank you for the opportunity to review the above captioned application.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Hamilton VF-RC Station 5 Travel Time
344-45-5673	Animal Care & Control	3 minutes, 12 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Hamilton VF-RC Station 5 Response Times
Animal Care & Control	5 minutes, 12 seconds

The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented. However, Staff respectfully requests that the applicant would consider installing two Knox boxes at the gates with key cards to allow adequate and timely 24 hour access of emergency vehicles to the rear of the property where they building would be located.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

Teamwork * Integrity * Professionalism * Service

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COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

April 15, 2009

Mr. Michael Elabarger
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: Loudoun County Animal Care & Control
(1st Submission)
Loudoun County Application Number SPEX 2009-0001

Dear Mr. Elabarger:

We have reviewed the above noted application as requested in your March 31, 2009 transmittal. We have no objection to the approval of this special exception.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

John Bassett, P.E.
Transportation Engineer

cc: Imad Salous, P. E.

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Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393



July 6, 2009

MEMORANDUM TO: Michael Elabarger, Project Manager MSC # 62
Planning Department, Building & Development

FROM: John P. Dayton MSC #68
Sr. Env. Health Specialist
Division Of Environmental Health

SUBJECT: SPEX 2009-0001, Loudoun County Animal Care & Control
LCTM: 37/101B, PIN 344 45 5673

This Department recommends approval with no additional comments or conditions to the proposal. If further information or clarification on the above project is required, please contact either Joe Lock at ext. 5800 or John Dayton at ext. 8848.

JPD/JEL/jpd



Loudoun County Health Department

P.O. Box 7000
Leesburg VA 20177-7000



Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

April 6, 2009

MEMORANDUM TO: Michael Elabarger, Project Manager MSC # 62
Department of Planning

FROM: Joseph E. Locky MSC # 68
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: SPEX 2009-0001, Loudoun County Animal Care & Control
LCTM 37/101B, PIN 344455673



The above referenced project does not appear to be creating an increased waste flow compared to the existing conditions and the septic permit. Approval with conditions is proposed by this office for the Special Exception. The conditions are listed below.

The drainfield was designed for 3170 gallons per day (1964) which does not appear to be exceeded by the new proposal. All proposed expansions must meet setbacks to existing tanks. If the proposed expansions encroach upon the existing setback distances for the any septic tank(s), a new tank(s) must be installed and the old tank(s) must be abandoned. All appropriate applications and permits must be obtained through the Health Department as necessary.

The proposed 1,400 square foot addition must be tied into the existing septic system if it is proposed to have plumbing. All connections to the existing septic system must be proposed by a Professional Engineer (PE) and must be approved by this office. All appropriate applications and permits must be issued by this office prior to work being initiated. The non-community well must be in compliance and all testing requirements must be current.

If further information or clarification on the above project is required, please contact me at (703)771-5800.

JEL/JDF/jel *JDF*
C:LoudounCountyAnimalCare&Control.Referral



Loudoun County, Virginia

Julie Costa

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000
703/777-0200 • Metro: 703/478-8439 • Fax: 703/777-0325

At a meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia, on Wednesday, July 21, 1999 at 9:00 a.m.

PRESENT: Dale Polen Myers, Chairman
Joan G. Rokus, Vice Chairman
Lawrence S. Beerman II
James G. Burton
Helen A. Marcum
David G. McWatters
Eleanore C. Towe
Steven D. Whitener
Scott K. York



IN RE: SPECIAL EXCEPTION 1999-0009/LOUDOUN COUNTY ANIMAL SHELTER
(CATOCTIN DISTRICT)

Mrs. Marcum moved that the Board of Supervisors approve Special Exception 1999-0009, Loudoun County Animal Shelter, subject to the conditions of approval (attached) and the Special Exception Plat prepared by Paciulli Simmons & Associates, dated March 9, 1999 and revised through July 15, 1999.

Seconded by Mr. York.

Voting on the Motion: Supervisors Myers, Beerman, Burton, Marcum, McWatters, Rokus, Towe, Whitener and York - Yes; None - No.

A COPY TESTE:

Jatyn R. Johnson
DEPUTY CLERK FOR THE
LOUDOUN COUNTY BOARD OF SUPERVISORS

PMJ:REJUL210.99

CONDITIONS OF APPROVAL

July 16, 1999

1. The project shall be developed in substantial conformance with the special exception plat prepared by Paciulli Simmons & Associates, dated March 9, 1999 and revised through July 15, 1999.
2. Development shall occur in two phases as noted on the special exception plat.
3. Prior to the issuance of an occupancy permit for Phase I, the applicant shall restripe the current entrance to the specifications of VDOT.
4. Development of Phase II shall require a site plan amendment approval of a new special exception application.
5. The Animal Shelter shall not have direct access to Rt. 704 except by further special exception approval.
6. The general hours of operation shall be 7 AM – 9 PM, Monday through Friday and 7 AM to 6 PM on Saturday and ~~9 AM – 4 PM on Sunday~~. Emergency operation may occur at anytime as needed.
7. Deceased animals shall be disposed of off site and removed from the site by a qualified removal service and on-site handling will comply with all of the applicable requirements of the Health Department and all other Loudoun County and State regulations.
8. The required buffer may be modified in accord with Section 5 - 1409 (B) to allow the installation of the required plants closer to drive, including the dumpster area. Stockade or other opaque fencing material shall be used to screen all outdoor runs. In addition, Type IV plantings shall be installed along the north side of the service drive and screening shall be provided on the south side of the building to consist of a wall or additional Type IV plantings.
9. All buildings shall be set back at least fifty feet from the property lines; provided however where a greater setback is otherwise required by the Zoning Ordinance that greater setback shall apply.
10. Existing trees shall be preserved to the extent practicable. A tree preservation area shall be maintained as shown on the special exception plat.

Special Exception 2009-0001

Statement of Justification –

March 23, 2009

May 16, 2009

REVISED August 13, 2009

The information provided in this document gives justification for two (2) special exceptions for the Department of Animal Care and Control in Loudoun County. The two (2) special exceptions requested include opening the animal shelter facility to the public on Sundays and to add a facility to be used as an Animal Behavior/Enrichment and Staff Training Center.

I. Introduction and Overview

The Department of Animal Care and Control location in Waterford, Virginia is the only animal sheltering facility within Loudoun County that houses stray, abandoned and surrendered animals. The Department also provides programs that offer adoption and other placement opportunities for the animals in their care. Changing traffic patterns and increased congestion on the roadways leading to the animal shelter building's location makes it virtually inaccessible to many county residents (primarily those east of Leesburg) during the weekday hours. Making the animal shelter more accessible to County residents living east of Leesburg on Sundays, during hours of lower traffic congestion and on a day when many residents are not working, would serve to enhance the shelter's ability to find new homes for the animals in its care. Animal shelter organizations in Arlington and Alexandria recently expanded their hours of operations to include Sundays, and they have experienced significant increase in public attendance at their shelters and in animal placements.

Regular business hours (hours open to the public) for the animal shelter are:

Monday:	8 AM to 6 PM
Tuesday:	8 AM to 6 PM
Wednesday:	8 AM to 8 PM
Thursday:	8 AM to 6 PM
Friday:	8 AM to 6 PM
Saturday:	8 AM to 5 PM
Sunday:	CLOSED

With the proposed change in hours, regular business hours are expected to change as follows:

Monday	CLOSED	(the shelter may be closed an additional weekday due to staffing levels and other operational concerns. Mondays were selected for the purpose of illustrating what the shelter's regular business hours may look like if this action is approved.)
Tuesday:	8 AM to 6 PM	
Wednesday:	8 AM to 8 PM	
Thursday:	8 AM to 6 PM	
Friday:	8 AM to 6 PM	
Saturday:	8 AM to 6 PM	
Sunday:	8 PM to 5 PM	

The addition of a facility (approximately 1,500 s.f., with a restroom reserved for staff use only and a sink to facilitate cleaning of areas accessible to animals) that will serve as an Animal Behavior and Staff Training Center will serve to expand much needed facility work space available to staff, enhancing the facility's ability to assess, rehabilitate and enrich dogs and other animals in the shelter's care, and providing a dedicated staff training facility. Currently, most animal-related activities other than basic care and housing must be performed in a small 20 foot by 20 foot room, commonly referred to as the "classroom". This area also must serve as the multi-function room used for meetings, training programs, and events. In addition to its current uses, the classroom will also be needed to satisfy dog handling training to members of the public pursuant to the Department's new Adoption Policy. The existing classroom is barely adequate to handle any one of the needed uses, let alone all of them simultaneously.

I. History

The Department of Animal Care and Control sheltering facility was constructed approximately 40 years ago by Humane Society of the United States, with ownership having transferred to Loudoun County in 1974. The facility serves as the County's "pound", which must be maintained and operated pursuant to the Code of Virginia and the regulations set forth by the State Veterinarian's Office. The facility was modernized and expanded in 2001 pursuant to the Special Exception Process. Hours of operation (open to the public) are currently Monday, Tuesday, Thursday and Friday, 8:00 a.m. to 6:00 p.m.; Wednesday, 8:00 a.m. to 8:00 p.m.; and Saturday, 8:00 a.m. to 5:00 p.m. A garage/barn structure was built in CY2000 and is located in the enclosed parking area at the rear of the sheltering facility.

III. Site Description

The property is located northwest of the intersection of Route 9 (Charles Town Pike) and Route 704 (Hamilton Station Road), approximately 2.1 miles northwest of Route 7. The site lies within areas of agricultural and rural residential uses.

The site consists of approximately 13.26 acres and is known as LCTM 37-101B, Pin #344-45-5673-000 and is located in the Catoctin Election.

The site is a mixture of pasture and wooded areas. The building and accessory parking is generally located in the center of the parcel. Paddocks for livestock are on the periphery. The property is surrounded by existing rural residential uses. The proposed expansion will have no adverse impact on the adjoining properties. The topography and existing vegetation within the site serve to screen the animal shelter from the adjacent homes.

IV. Transportation

The facility is currently served by a paved driveway with a private access easement. The point of ingress/egress is from Route 9 and is located immediately west of the Route 9/Route 704 intersection. No modifications or improvements to the entrance or driveway are proposed with this application.

The number of average daily vehicle trips generated by the current facility, as per a traffic count conducted on April 22-24, 2008, is approximately 119 passenger vehicles per day. Truck traffic is limited to light trucks and trailers that deliver supplies and occasionally large animals, garbage removal and pickup for animal cremation services.

Neither aspect of the proposed special exception is expected to significantly impact shelter traffic. Additional traffic generated as a result of opening on Sunday will be offset by the shelter closing on another weekday, so the overall number of vehicle trips is not expected to increase significantly. The proposed behavioral and training building will be primarily used by current employees and shelter volunteers. Occasional training programs and animal handling demonstrations/instructions will result in limited increase in shelter traffic that will be spread out throughout the year.

V. Zoning Ordinance

The site is zoned AR-1 Agricultural Rural. The property has approximately 650 feet of frontage on Route 704, Hamilton Station Road, and the proposed building setback from Hamilton Station Road is approximately 320 feet.

VI. Special Exception Standards

This application is consistent with the General Plan, presents no adverse impacts to adjoining properties or the community at large, and provides a valuable service to the residents of Loudoun County. Approval of this application will allow the existing facility, which has served the citizens of Loudoun County for 40 years, to continue to improve its services and provide greater accessibility to the citizens of eastern Loudoun County. This application satisfies the special exception standards as follows:

SPECIAL EXCEPTION FACTORS FOR CONSIDERATION

Section 6-1310 of the Revised 1993 Zoning Ordinance outlines various factors for consideration in the review of a special exception request. The following is an analysis of these factors in relation to the Property:

A) Whether the proposed special exception is consistent with the Comprehensive Plan

The property is located within the Rural-20 Policy area and is in areas of agricultural and residential uses. The Revised General Plan, encourages “rural residential and low intensity uses that reserve open space and provide opportunities for farming to continue.” The application is consistent with the General Plan. The animal shelter meets several goals of the General Plan as follows:

The facility is consistent with the rural character of the area. The building and parking area is centrally located on the 13.26-acre site and is surrounded by pasture and landscaped open spaces that serve to buffer the building from adjoining parcels. In addition to housing animals within the building, the shelter also pastures livestock on the property. The relatively small building, surrounding pasture and wooded landscape offers a low intensity use that blends the rural residential and agricultural uses in the community.

The animal shelter is consistent with the General Plan goal to “... continue to support the local farm economy.” The shelter has served the needs of the agricultural community for the past 35 years. The proposed improvements will allow the shelter to continue to provide valuable services to rural residents and farmers.

The animal shelter provides agricultural-related employment opportunities.

B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control

The proposed change in days of operation will have no impact on the shelter’s fire safety. The proposed addition of a dedicated behavioral building will include appropriate fire preventative, suppression and warning systems.

C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

There are existing residences adjacent to the existing facility, the closest occupied house being approximately 500 feet from the building. The proposed change will not increase the number of animals cared for in the shelter, and therefore will not increase noise levels emanating from the shelter.

D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

The proposed changes will not produce any excessive light or glare on adjacent properties. Some level of security lighting is used at the facility, however due to the intervening distance between the shelter and adjacent properties and the existing mature vegetation surrounding the facility, light and glare will not impact surrounding properties. Existing site lighting utilizes low glare producing lamps.

E) The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels

The appearance and function of the facility is agricultural in character, and the low intensity use is compatible with other existing uses in the area.

F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood will adequately screen surrounding uses.

The existing and proposed buildings and associated parking lot are located near the center of the property such that there is intervening landscaped open space between them and adjacent parcels. There is mature vegetation on the site which will remain undisturbed with the proposed addition.

G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.

The proposed behavioral building will not require any significant grading, and will not significantly impact any existing topographic, physical, natural or scenic features on or off the site. There are no known archaeological or historic features, which would be impacted by this expansion. The modest addition of building footprint will occur near to the existing building, and will not impact the mature vegetation or pasture area that surrounds the facility.

H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

The addition of the proposed behavioral building will occur within the immediate vicinity of the existing structure, and no additional disturbance is proposed that would compromise the environment. Floodplain does not exist on the subject parcel per the Floodplain Map of Loudoun County and there are areas of Moderately Steep (15 – 25%) and Very Steep (over 25%) Slopes on the subject parcel. The proposed special exception has no impact on these environmental features. There are no known environmentally sensitive features, wildlife habitat or vegetation that will be impacted by this project.

I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

The proposed changes in operating hours will significantly promote the welfare and convenience of the public, making the shelter more accessible to citizens otherwise deterred from visiting the shelter due to weekday traffic congestion.

J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

The facility is accessed from Route 9 (Charles Town Pike). The Transportation Department estimates that there will be no significant increase in traffic resulting from either the proposed expansion in hours or the proposed animal behavioral and staff training building.

K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.

Current structures will not be converted.

L) Whether the proposed special exception will be served adequately by essential public facilities and services.

Neither the proposed behavioral building nor the change in hours should result in an increase in demand for use of the facility that will impact existing public facilities and services.

M) The effect of the proposed special exception on groundwater supply.

Neither the proposed behavioral building nor the change in hours should result in an increase in demand for use of the facility that will impact groundwater supplies.

N) Whether the proposed use will affect the structural capacity of the soils.

Neither the proposed behavioral building nor the change in hours should have an impact on the structural capacity of the soils. The proposed behavioral building will be only a one-story structure, and the structural capacity of the existing soil should be sufficient to support it.

O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

No road improvements or new entrances are proposed or recommended in support of this application.

P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The existing facility employs a staff of 30 people. Neither the proposed animal behavioral and staff training building nor the proposed Sunday hours are expected to result in the need for additional staff.

Q) Whether the proposed special exception considers the needs of agriculture, industry, and business in future growth.

Not applicable. Future growth is not considered for the proposed facility.

R) Whether adequate on and off-site infrastructure is available.

As discussed herein, adequate on and off-site infrastructure is and/or will be available.

S) Any anticipated odors which may be generated by the uses on site and which may negatively impact adjacent uses.

Odors generated by the proposed facility are consistent with the existing use of the property as well as the uses of the adjacent properties (i.e. horses, general agricultural activities).

T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

As discussed herein, the proposed facility will have negligible traffic impact; however, measures will be taken during construction to ensure there are no negative impacts to existing uses near the limits of the special exception.

COUNTY OF LOUDOUN
DEPARTMENT OF ANIMAL CARE AND CONTROL
MEMORANDUM

DATE: August 3, 2009
TO: Mike Elabarger, Project Manager, Land Use Review
FROM: Thomas J. Koenig, Director
RE: Animal Care and Control Special Exception – Response to 2nd Referrals

The following provides the Department's response to 2nd referral comments to SPEX 2009-0001:

Department of Building and Development - Zoning Administration

Plat Comments: *The Department commits to making the corrections and/or notations as provided below.*

1. *Cover Sheet. Note 14.* State that the proposed structure is approximately 1,500 sq. ft., for consistency with Sheet 2.
2. *Cover Sheet.* Include note that the use will meet the noise ordinance standards of the Zoning Ordinance.
3. *Sheet 2.* Label the approximate number of parking spaces to be provided in the parking area just inside the property line. Conformance with the minimum parking requirements will be verified at site plan.
4. *Sheet 2.* Amend the label of the proposed structure as approximately 1,500 sq. ft. to be consistent with the table under Maximum Lot Coverage.
5. *Sheet 2.* Include a key for the shading/hashing of structure on the plan or remove if not necessary. ***Shading/hashing has been removed.***
6. *Sheet 2.* It is recommended that additional buffering be located to the east of the new structure to effectively screen in from the Hamilton Station Road. **We will commit to working with County staff in General Services to look at "buffer" options for this area.**

If you have any questions or need additional information regarding the above responses, please contact me directly at ext 5456.

cc: Inga Fricke, Shelter Manager
Project File

COUNTY OF LOUDOUN
DEPARTMENT OF ANIMAL CARE AND CONTROL
MEMORANDUM

DATE: June 18, 2009
TO: Mike Elabarger, Project Manager, Land Use Review
FROM: Thomas J. Koenig, Director
RE: Applicant Response to 1st Referrals
Special Exception 2009-0001 – Animal Care and Control



The following provides the Department's response to 1st referral comments to SPEX 2009-0001:

Department of Planning

- 1) Provide for the long-term maintenance and care of the existing landscape buffers. *The Department commits to the long-term maintenance and care of the existing landscape buffers.*
- 2) Provision of site lighting which is the minimum intensity of lighting necessary for the operation of the shelter. *The Department commits to working with the appropriate County agencies to provide site lighting, as recommended. The proposed site lighting will be shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky.*

Department of Building and Development - Zoning Administration

Issues for Consideration:

1. (A) *Whether the proposed special exception is consistent with the Comprehensive Plan. See 1st Referral comments by Community Planning regarding this issue.*
2. (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. See 1st Referral comments by Fire and Rescue regarding this issue. The Department will meet all required fire and safety codes that apply.*
3. (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area. The noise standards that apply to this use are contained in Section 5-652(B) and Section 5-1507. The proposed facility cited in SPEX 2009-0001 will not have a negative impact on noise emanating from the site. The facility is not intended to increase the number of animals housed or serve as a housing area for animals at the animal shelter. The Department will adhere to Sections 5-652(B) and 5-1507 regarding noise.*
4. (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area. As stated above, the Department commits to working with the appropriate County agencies to provide site lighting and ensure the proposed site lighting will be shielded and directed downward to reduce glare and spillage of light*

onto adjoining properties and the night sky. The Department will adhere to Sections 5-652(A) and 5-1504 of the Zoning Ordinance regarding lighting.

5. (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses. The 1st Referral comment by Community Planning regarding this issue states, "Staff finds that the proposed free-standing building on the subject site will be adequately buffered and screened from adjoining properties by the existing vegetation". However, as recommended, the Department will ensure any proposed additional screening plans are reflected on the Special Exception Plat, Sheet 4.*
6. (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services. See 1st Referral comment by the Office of Transportation Services regarding this issue. Any increase in traffic caused by the change in hours of operations and the proposed office/staff building can be served by the existing transportation system.*

Other Issues:

7. **Section 5-1100. Parking.** The application materials submitted with previously approved SPEX 1999-0009 state that there are 32 visitor spaces and 19 employee spaces. As depicted on the plat for this application (SPEX 2009-0001), 19 visitor and 11 employee spaces are shown. Please clarify the difference between the previous and current special exception applications. Is the area just inside the property line from the access road a parking area? If so, please label as such and note that the parking area cannot protrude into the required buffer area. *The Department has revised the plat to ensure the correct number of visitor and employee parking spaces are shown and appropriately labeled, and notes that the parking area cannot protrude into the required buffer area. There are 21 spaces in the employees-only access area and 18 spaces in the public access area. The area just inside the property line from the access road (where the horse trailers are parked) is considered a parking area and is marked as such.*
8. **Parking.** Provide a parking calculation to determine if sufficient parking is provided. 4 spaces/1,000 square feet are required for the office portion of the use with the remainder of the uses to be determined by the zoning administrator. *The Department commits to ensuring that sufficient parking is provided.*
9. **Section 5-1504 Light and Glare Standards.** The light and glare standards of Section 5-1504(A) apply. *The Department commits to comply with the light and glare standards found in Section 5-1504(A).*
10. **Section 5-1507 Noise Standards.** The noise standards of Section 5-1507 apply. As animals will be trained within the proposed building, are any sound attenuating elements to be used in the construction of the structure? *There are no plans to use sound attenuating elements in the construction of the structure. The structure is not intended to house dogs, but only train or assess a very limited number (1-3 dogs) at any one time. The Department commits to complying with the noise standards found in Section 5-1507.*
11. **Section 5-1508. Steep Slopes.** Although steep slopes are located on the property, it appears as though the proposed addition will not impact the steep slopes. In accordance with Section 5-1508(F), a grading permit and locational clearance will be required at the time of site plan review. *The Department commits to obtaining the appropriate grading permit and locational clearance at the time of the site plan review.*

12. **Section 6-701. Site Plan.** Please be advised that, in addition to special exception approval, a site plan is required prior to construction. *The Department commits to obtaining a site plan prior to construction.*

Plat Comments: *The Department has made the corrections and/or notations as provided below.*

13. *Cover Sheet. Note 1. 2nd Line.* Insert "Loudoun County" after "Revised".
14. *Cover Sheet. Note 5. Second Line.* Insert "Very" in front of "Steep (over 25%)."
15. *Cover Sheet. Note 14.* It is recommended that this note be deleted in order to allow the Applicant flexibility to employ more than 30 staff members at the site in the future.
16. *Sheet 2.* It appears as though the addition to the building furthest to the south that was approved in accordance with STPL 1999-0065 is not depicted as such on the Special Exception Plat. Please include an accurate depiction of the existing structure on Sheet 2
17. *Sheet 2.* Include all existing structures on the plan. A zoning permit [#Z280088220001] was issued 1/25/08 for 5 new run in sheds totaling 3,925 square feet, which do not appear to be depicted on the special exception plat.
18. *Sheet 2. Zoning Requirements. 1st line.* Insert "Loudoun County" after "Revised 1993".
19. *Sheet 2. Zoning Requirements. (2)* After "Option" delete remainder of sentence and insert "." Insert 'In accordance with Table 2-102, the use is permitted by Special Exception as "Structures or uses for local government purposes not otherwise listed in the district.'
20. *Sheet 2. Zoning Requirements. Maximum Lot Coverage table.* Revise to include all run-in sheds. The zoning permit issued 1/25/08 [#Z80088220001] was for 3,925 sq. ft., the zoning permit issued 1/9/02 was for a 10' x 10' shed and 10' x 20' run in shed]. Further it appears as though there were 2 approximate 24' x 24' sheds in existence at the time of the SPEX 1999-0009 approval. All of these structures must be included in the tabulation.
21. Check the size of the building proposed. The Statement of Justification and plat indicate that the addition will be approximately 1,400 sq. ft. whereas the plat indicates a 24' x 60' building (totaling 1,440 sq. ft.). Please note that conformance with the special exception plat will be a condition of the special exception. It is recommended that the table include a slightly larger total building size, such as 1,500 sq. ft., rather than a smaller figure.
22. Include a statement regarding the number of stories of the existing building and proposed addition.
23. Include a key for the shading/hatching of structures on the plan or remove if not necessary.
24. Provide parking tabulations. Note 14 on the cover sheet states that there are 30 employees at the shelter, however only 11 parking spaces have been designated as employee parking. Further, in the staff report associated with SPEX 1999-0009 it states that there are 30 spaces designed for the public and 11 spaces designated for employees. There are only 19 spaces designated on the SPEX plat for the public. How many spaces are proposed?
25. It is recommended that additional buffering be located to the east of the new structure to effectively screen it from Hamilton Station Road.
26. What is the use of the large open area, just inside the property line off of the access road? If this is to be used for parking, please identify as such.

Office of Transportation Services

- 1) Provide a rough estimate of the number of events and the turn out for visitors. *The Department plans to use this facility for weekly staff meetings and daily behavioral assessments that will not increase the number of visitors to the facility. Individual dog training/counseling for visitors and/or adopters will continue, but again will not increase the number of visitors coming into the facility. Staff/Volunteer training opportunities and/or dog behavioral classes may occur 10-15 times per year. Staff/volunteer training opportunities may include up to 20 individuals. Dog behavioral classes may average between 5-10 participants per class.*
- 2) Please refrain from constructing any structure within 25-30 feet from the centerline of Hamilton Station Road to the property line. *The Department commits to refrain from constructing any structure within 25-30 feet from the centerline of Hamilton Station Road to the property line. Current plans for facility proposed SPEX 2009-0001 is consistent with the Department's commitment.*

Department of Fire, Rescue and Emergency Management

- 1) Staff respectfully requests that the applicant would consider installing two Knox boxes at the gates with key cards to allow adequate and timely 24-hour access of emergency vehicles to the rear of the property where the proposed structure would be located. *The Department commits to install two Knox boxes at the gates (one box at two separate gates) to allow adequate and timely 24 hour access for emergency vehicles.*

Loudoun County Health Department

- 1) All proposed expansions must meet setbacks to existing tank. If the proposed expansions encroach upon the existing setback distance for the septic tanks, a new tank(s) must be installed and the old tank(s) must be abandoned. *According to the current plan, the location of the proposed structure in SPEX 2009-0001 does not encroach on existing setback distances for the septic tank. The Department commits to the installation of a new tank(s) and the old tank(s) abandoned if expansion upon the existing setback distances occur, and all appropriate applications and permits would be obtained through the Health Department.*
- 2) The proposed 1,400 square foot addition must be tied into the existing septic system if it is proposed to have plumbing. All connections to the existing septic system must be proposed by a Professional Engineer (PE) and must be approved by this office. *The proposed structure is intended to have plumbing and the Department commits to ensuring it is tied into the existing septic system and that all connections will be proposed by a Professional Engineer (PF) and approved by the Loudoun County Health Department.*
- 3) All appropriate applications and permits must be issued by this office prior to work being initiated. The non-community well must be in compliance and all testing requirements must be current. *The Department commits that all appropriate application and permit will be obtained from the Loudoun County Health Department. The Department will ensure that the existing well is in compliance and all testing requirements are current.*

Virginia Department of Transportation

There were no recommendations, comments or objections noted in 1st Referral comments from VDOT.

If you have any questions or need additional information regarding the above responses, please contact me directly at ext 5456.

cc: Inga Fricke, Shelter Manager
Project File

A-31

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I, Thomas J. Koenig, do hereby state that I am
an

X Applicant

 Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPEX-2009-0001

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE
PROCEEDINGS**

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
344-45-5673-000	Loudoun County Board of Supervisors	1 Harrison Street SE, Leesburg, VA 20175	Owner
	Scott K. York	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Jim Burton	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Kelly Burk	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Eugene Delgaudio	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Susan Klimek Buckley	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Sally R. Kurtz	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Stevens Miller	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Andrea McGimsey	1 Harrison Street SE, Leesburg, VA 20175	Board Member

	Lori Waters	1 Harrison Street SE, Leesburg, VA 20175	Board Member
	Loudoun County Animal Care & Control	39820 Charles Town Pike, Waterford, VA 20197	Applicant

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

n/a

Description of Corporation:

☐ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME <i>(First, M.I., Last)</i>	SHAREHOLDER NAME <i>(First, M.I., Last)</i>

Names of Officers and Directors:

NAME <i>(First, M.I., Last)</i>	Title <i>(e.g. President, Treasurer)</i>

Check if applicable:

☐ *There is additional Corporation Information. See Attachment to Paragraph C-2.*

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

n/a

☐ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

☐ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

 In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

 X Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

 Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

Check if applicable:

 Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

Check if applicable:

 Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one: ☒ Applicant or ☐ Applicant's Authorized Agent

THOMAS J. KOENIG, Director Department of Animal Care and Control
(Type or print first name, middle initial and last name and title of signee)

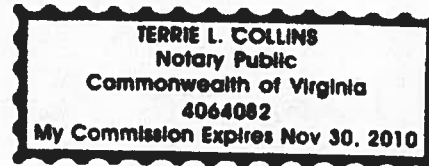
Subscribed and sworn before me this 16th day of March, 2009, in the State/Commonwealth of Virginia, in the County/City of London.

Terrie L. Collins

Notary Public

My Commission Expires: 11/30/2010

Registration No. 4064082



Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated March 16, 2009
(enter date of affidavit)

For the Application Loudoun County Animal Care^d with Number(s) SPEX-2009-0001
[enter Application name(s)] Control [enter Application number(s)]

I, Thomas J. Koenig, do hereby state that I am an

(check one) ☒ Applicant (must be listed in Paragraph C of the above-described affidavit)
☐ Applicant's Authorized Agent (must be listed in Paragraph C of the above-described affidavit)

And that to the best of my knowledge and belief, the following information is true:

(check one) ☒ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____, or;
(today's date)

☐ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

- ☐ Paragraph C-1
- ☐ Paragraph C-2
- ☐ Paragraph C-3
- ☐ Paragraph C-4(a)
- ☐ Paragraph C-4(b)
- ☐ Paragraph C-4(c)



WITNESS the following signature:

Thomas J. Koenig

check one: ☒ Applicant or ☐ Applicant's Authorized Agent

Thomas J. Koenig, Director AC+C
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 30th day of October, 2009, in the State/Commonwealth of VIRGINIA, in the County/City of LOUDOUN.

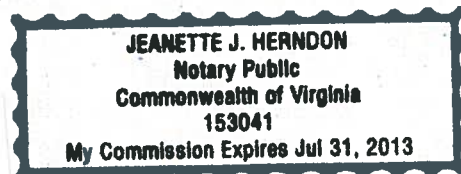
My Commission Expires: 7/31/13

Notary Registration Number: 153041

Jeanette J. Herndon
Notary Public

Revised October 2008

ATTACHMENT 6



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